

# Tonga and the independent press

'This was my first visit to Tonga in three years after I was kicked out of the country and banned ... My "crime"? My newspaper has reported on things that have not given Tonga a good image overseas. So they say..'

By **KALAFI MOALA**

I HAVE just returned from Tonga, having been there for the funeral of my father who, at the age of 75 died of a massive stroke. He was one of Tonga's major media personalities, being the pioneer of radio education; and after he retired as an educator, he became the most prominent radio broadcaster as well as a popular TV commentator. He was also a regular columnist in the weekly Government newspaper, the main rival to the *Taimi 'o Tonga* newspaper of which I am publisher and editor. He was also the author of a best-selling book on Tongan culture.

This visit to Tonga is my first in three years after I was kicked out of the country and banned from visiting without a written permit from the Minister of Police who is also in charge of Immigration. My "crime"? My newspaper has reported on things that have not given Tonga a good image overseas. So they say.

I am an American by citizenship, even though I am Tongan by birth, but the Immigration authorities found a loophole in the Tongan law, enabling them to bar me from Tonga, and I am only allowed to visit with their permission.

However, the newspaper which I own and edit, is allowed into the country, and continues to be Tonga's main print media. We have our main newsroom in Tonga where a small staff of seven under the leadership of my Deputy Editor continues to operate under sometimes vicious harassment from the authorities.

I now live in Auckland, New Zealand, where we print the newspaper and

## KALAFI MOALA

distribute to all the Tongan communities in Tonga, New Zealand, Australia, and USA.

Printed media in Tonga has existed since the 1830s with regular newsletters published by Tonga's main Christian denomination, the Free Wesleyan Church. The Government started the first weekly newspaper - *The Chronicle* - over 20 years ago, and the first non-Government, non-Church weekly newspaper - *Taimi 'o Tonga* - was started 10 years ago.

Tonga's Constitution guarantees media freedom, but events over the past 10 years have indicated attempts to muzzle the independent press, especially when it comes to exposing irregularities in Government activities, and irregular behaviour among the royal leadership of Tonga.

Even though there is marked improvement in the attitude of those in authority toward the independent press, there is still a long way to go in allowing the press to exercise its freedom to inform without unnecessary restrictions.

There are two main avenues used by those in authority to bring pressure on the independent press. One is covertly exercised, putting up social pressure, under the guise of cultural sensitivity; the other is overtly exercised — through the courts in libel and defamation suits, many of which dismissed as nonsensical, nevertheless expensive for us in lawyer fees and time.

In a society where dissent and challenging of established traditional mores is unacceptable, the independent press has played a major role in the introduction and development of democratic principles, one of which is the free flow of information.

There are two main independent publications, one of which I represent, have suffered greatly at the hands of the Tongan judiciary system.

I believe that our judiciary system has been acting independently of Government control, even though decisions of individual judges may have been in question. However, the existence of the Tongan Appeals Court has been more than reassuring in the pursuit of justice.

I want to comment on the two main areas of pressure brought to bear on the independent press in my country:

*1. Social and cultural:* The Tongan way versus all other ways! Even though we are a very small island country with a small population (94,000 in Tonga; and about 60,000 overseas), we think the rest of the world revolves around us. We say there are 2 kinds of people - Tongans and non-Tongans; two ways of doing things - Tongan way and non-Tonga way. I interviewed the Speaker of our Legislative Assembly one time, a Western-educated man, and a noble: I asked

him why he was so angry when I questioned the authorities whether their decisions on certain things were right or not.

He replied that what I was doing was very non-Tongan, for in Tonga it was rude to question those in authority, for they are right all the time, and even if they are not right, they should not be questioned.

I then understood why the finances of the Palace Office are never audited, and why Parliament expenditures have not been audited in as many years as Parliament existed.

2. *Legal*: What is legal and what is moral may be two different things. Those in authority sometimes use the legal system to try and harrass the press, as well as frighten them. I want to share two experiences:

a) *The provocation law of a Government Officer*:

This was a law which makes it a felony to provoke a Government Officer to anger. It was probably set up in the early days of the Legislative Assembly to prevent a civilian from resisting arrest, or from provoking a police officer to anger by resisting arrest. In 1996, our office in Tonga was raided by 25 police officers looking for the originals of letters to the editor which letter writers had written, critical of the Minister of Police. The Minister used this law — charging that the letters had provoked him to anger — to prosecute the letter writer and my Deputy Editor. They were arrested and detained in jail for 48 hours. The Magistrate Court found them guilty, but an appeal to the Supreme Court overturned their conviction.

Our offices have been raided by the police, with a search warrant signed by a Magistrate, seven times in the past two years.

b) *Contempt of Parliament*:

In late 1996, I was summoned from New Zealand back to Tonga, together with my Deputy Editor who is in charge of our Tonga office. We were ordered to appear before the Legislative Assembly, together with 'Akilisi Pohiva, leader of the Pro-Democracy Movement, and a Member of Parliament. We were charged with contempt of Parliament, for publishing that a Minister was impeached before the impeachment was tabled in the Legislative Assembly. The MP was charged for giving us the report, and we were charged for publishing it.

We were ordered jailed for 30 days, by a majority vote by the members of the Legislative Assembly. Tonga's Supreme Court ordered our release after we spent 26 days in a maximum security jail. The Supreme Court stated in its decision that we have been jailed unlawfully. Government appealed this

## KALAFI MOALA

decision to the Appeals Court. The Appeals Court went further to state that we had been jailed for a crime we never committed.

I will leave it there .

### **A press council for Tonga?**

I want to conclude by saying that we, as part of the independent press in Tonga are continuing to publish in the midst of this social and legal persecutions we have faced, and are optimistic that what we are going through is only part of a process in the development of the free press in Tonga, and that the Tongan authorities will sooner or later get used to it, and learn to cope with it.

In the meantime, we are also wanting to be involved in setting up associations such a Press Council, and subject ourselves to training which will help us be more adaptable to a changing Government attitude toward the independent press. One of our desires is to see a Press Council set up in Tonga, but the formation of such a council need to be thought through carefully since 90 per cent of media ownership in Tonga is either by the Government or Church.

Another aspect of this is the involvement of the independent press in our Tongan population outside of Tonga. With Auckland being the biggest Polynesian city in the world, we are wishing to begin dialogue with the New Zealand Press Council, to seek advice on how a Maori and Pacific Island Press Council could be set up, either independently, or as part of the New Zealand Press Council. The Maori and Pacific Island press is quite active in New Zealand, and some also have outlets in Australia and the United States among the various island language groups.

□ *Kalafi Moala is the publisher and editor of Taimi 'o Tonga. An account of his imprisonment for alleged contempt of Parliament was published in the Pacific Journalism Review, "The contempt case of the Tongan three", PJR, 3:2, pp 10-19. He gave this address at the World Association of Press Councils' Oceania regional conference in Brisbane on 21-23 June 1999.*